IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22203 of 2004

Between:

1 G.Srirambabu S/o.Satyanarayana Murhty
Seesali (V), Kalla(M), West Godavari Dist.
2 Ganesna Srinivasa rao S/o.Jaggarao
Seesali (V), Kalla(M),
West Godavari Dist.

... PETITIONERS

AND

1 The Dist Collector (Panchayat Wing)
Eluru, West Godavari Dist.
2 The Dist Panchayat Officer
Eluru, West Godavari Dist.
3 The Divisional Panchayat Officer
Narsapuram, West Godavari Dist.
4 Sri K.Srinivasa Rao S/o.Kasirao
Grampanchayat Seesali (V), Kalla (M),
West Godavari Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the inaction of the respondents 1 to 3 in taking appropriate

action against the 3rd respondent by way of conducting enquiry of the basis of the representation of the petitioner and others dt.1-12-2002 and also on the basis of the notice of the 3rd respondent in RC.No.11/2003 E.O.(PR&RD) dt 24-3-2003, as illegal, arbitrary, and violative of principles of natural justice and consequently direct respondents 1 to 3 to conduct and enquiry into the various irregularities committed by the 4th respondent in the light of the representation submitted by the petitioner and other villagers and further direct them to take action as per law.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

O R D E R:

Heard both the counsel.

2. The case of the petitioners is that the 4th respondent who is Sarpanch of the Gram Panchayat by misusing his official position has committed various irregularities in respect of purchase of electrical goods etc., and also in execution of various works without adopting the process of tenders. Therefore, they made representation on 1.12.2002 to the 2nd, respondent, who is the District Panchayat Officer for taking necessary action. But no action has been initiated against the 4th respondent. The further case of the petitioners is that, as the 4th respondent committed irregularities in sanctioning water connections, they made representation to the 3rd respondent and pursuant to the said representation, a show cause notice was issued on 24.3.2003 and thereafter enquiry was also conducted. But again no action has been taken.

3. Hence, aggrieved by the inaction on the part of respondents 1 to 3 in taking any action against the 4th respondent, the present writ petition is filed.

4. Admittedly, purporting to act on the representation made by the petitioner alleging various irregularities against the 4th respondent, the District Panchayat Officer issued notice to all concerned and conducted enquiry, and it cannot be assumed that the District Panchayat Officer will not take any action in the matter pursuant to the enquiry conducted by him.

5. The writ petition is misconceived, and it is accordingly dismissed. No costs.

N.V. RAMANA, J

02.12.2004

AVS/NSR

To:

1. The Dist Collector (Panchayat Wing)
   Eluru, West Godavari Dist.
2 The Dist Panchayat Officer
   Eluru, West Godavari Dist.
3 The Divisional Panchayat Officer
   Narsapuram, West Godavari Dist.
4 Two C.C. s to the G.P. for Panchayat Raj & Rural

Development, High Court Buildings, Hyderabad.

5 Two CD copies